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IN THE UNITED STATE PATENT AND TRADEMARK OFFICE

Applicant : Andrew L. Pearlman
Serial Number : 09/995,217
Filed : March 5, 2002
For : Tissue Characterization Based on Impedance Images and
on Impedance Measurements
Examiner : George C. Manuel Art Unit : 3737
Attorney Docket No : 701030-15

SUBSTITUTE TERMINAL DISCLAIMER

Commissioner for Patents
Washington, DC 20231


Sir:

Applicant has discovered that the Terminal Disclaimer mailed on November 22, 2002, is the wrong form in that it refers to an application rather than to the intended patent. Enclosed is a substitute Terminal Disclaimer to be substituted for the form mailed on November 22, 2002. Substitution of the enclosed form is respectfully requested. The fee for the Terminal Disclaimer was paid with the filed prior form and no fee is due for the enclosed Terminal Disclaimer.

FIRST CLASS CERTIFICATE

I hereby certify that this correspondence is being deposited on the date set forth below with the U.S. Postal Service as First Class Mail, postage prepaid, in an envelope addressed to:

Commissioner for Patents
Washington, DC 20231

 **November 27, 2002**
William Squire Date

Respectfully submitted,
Andrew Pearlman


by William Squire, Reg. No. 25,378
Attorney for Applicant
CARELLA, BYRNE, BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN
Six Becker Farm Road
Roseland, NJ 07068
Phone: 973-994-1700
Fax: 973-994-1744
Email: wsquire@carellabyrne.com

PTO/SB/26 (10-00)

Approved for use 10/31/2002. OMB 0651-0031

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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT		Docket Number (Optional) 701030-15
In re Application of:	Andrew Pearlman	
Application No.:	09/995,217	
Filed:	March 5, 2002	
For:	Tissue Characterization Based on Impedance Images and on Impedance Measurements	

The owner*, Transcan Medical Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,421,669. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

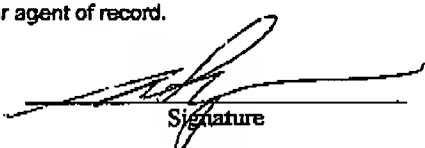
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of Competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.


 Signature

November 27, 2002
 Date

William Squire
 Type or printed name

☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

#162178

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**CARELLA, BYRNE, BAIN, GILFILLAN
CECCHI, STEWART & OLSTEIN****6 Becker Farm Road
Roseland, New Jersey 07068
(973) 994-1700
(973) 994-1744 (FAX)****OPERATOR:** JanicejS**TIME COMPLETED:** _____**EXT. NO.:** 524**DATE:** July 2, 2003**OUR FILE NO.:** 701030.15**NAME**George Manuel**FIRM:**PTO**FAX NO.**703-746-3347**FROM:** William Squire
Reg. 25,378**Total Pages Including Transmittal Sheet:** 4**COMMENTS:** Re: Serial No. 09/995,217 Filed: March 5, 2002.
As requested in telephone call of July 2, 2003.

IF YOU HAVE ANY PROBLEMS WITH THIS TRANSMISSION, OR DO NOT RECEIVE THE NUMBER OF PAGES NOTED, PLEASE CONTACT THE FAX OPERATOR AT (973) 994-1700 (EXT. 211)

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FACSIMILE CERTIFICATE

I hereby certify that this correspondence is being sent by facsimile on the below noted date to Examiner George Manuel, Group Art Unit 3737, Fax No. 703-746-3347, of the U.S. Patent and Trademark Office.

William Squire, Esq.
Reg. No. 25,378July 2, 2003
Date

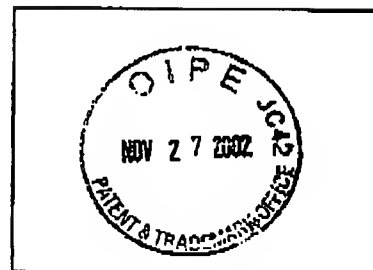
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Please date stamp and return to addressee on reverse side

Applicant(s): ANDREW L. PEARLMAN

Serial No.: 09/995,217 Filed: MARCH 5, 2002

Title (or mark): TISSUE CHARACTERIZATION BASED ON IMPEDANCE
IMAGES AND ON IMPEDANCE MEASUREMENTS



DOCUMENTS ENCLOSED

☐ Application sheets: Descr.: _____
Drawing sheets: _____

☐ Declaration (executed _____)

☐ Verified Statement Claiming Small Entity Status

☒ Response to OA dated OCT. 8, 2002
☐ _____ Mo. Ext. of Time

☐ Other: _____

☐ Formal Drawing _____ sheets

First class mail

Certificate Dated: NOV 22, 2002

Docket No.: 7010.30-15

Claims _____ Abstract _____
☐ Formal ☐ Informal

☐ Assignment to _____

☒ Type of OA: REJECTION
☐ Inform. Discl. Statement

☒ TERMINAL DISCLAIMER STATEMENT

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